

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-10 are pending and rejected. Applicants previously amended claims 1 and 8. Applicants has not introduced by way of the foregoing amendments.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

The Office rejected claims 1, 8, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Koenig in view of in view of U.S. Patent No. 5, 555,071 issued to *Koenig* et al. (hereon after "*Koenig*") and claims 2, 3 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Koenig* in view of in view of U.S. Patent No. 6,317,560 issued to Kawabata et al. (hereon after "*Kawabata*"), and claims 10-12, 15 and 16 in further view of U.S. Patent Publication No. 2004/0075743 published to Chatani et al. (hereon after "*Chatani*").

Applicants amend claims 2 and 8 to recite "simulated image acquisition is accompanied by sounds of typical shutter operation..." Hence, Applicants submit that none of the pending claims is anticipated by *Koenig*.

As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations. The teaching or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in

applicant's disclosure. In *re* *Vaeck*, 947 F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, as the Office is also aware, the courts have repeatedly stated that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

In the Office Action, the Office insinuated that *Koenig* and *Kawabata* discloses all the elements recited in claim 2. More specifically, the Office indicated that *Kawabata* discloses "sounds of typical shutter operation..." *Office Action*, page 5. Applicants respectfully direct the Office's attention to *Kawabata* Col. 14 lines 19 and 20, which disclose that the "cameras 102 are digital cameras and do not generate a shutter sound." Hence, Applicants submit that the combination of *Koenig* and *Kawabata* does not disclose all the elements of amended claims 1 and 8.

Thus, *Koenig*, *Chatani*, and *Kawabata*, alone and in combination, are devoid from disclosing "sounds of typical shutter operation," as recited in amended claims 1 and 8. Hence, Claims 1-16, in view of *Koenig*, *Chatani*, and *Kawabata*, alone and in combination, satisfies the requirements of 35 U.S.C. § 103(a) and is in condition for allowance.

The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-16.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-5352 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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